



CITY COUNCIL MEETING
CIBOLO MUNICIPAL BUILDING
200 S. MAIN
May 24, 2016
6:30 P.M.

MINUTES

1. Call to Order – Mayor Dunn called the meeting to order at 6:30pm.
2. Roll Call and Excused Absences – Council Present: Mayor Dunn, Councilman Garrett, Councilwoman Gebhardt, Councilman Doty, Councilman Russell, Councilman Hogue and Councilman Weber; Absent: Councilwoman Schultes – Councilman Hogue made the motion to excused the absence of Councilwoman Schultes. Motion was seconded by Councilman Garrett. For: All; Against: None. Motion carried 6 to 0. Staff Present: City Manager Herrera, City Attorney Erkan, City Secretary, Finance Director Miranda, EDC Director Luft, IT Director Badu, Police Chief Cox, Fire Chief Niemietz, Engineering & Planning Director Klein, Public Works Director Fousse and Executive Assistant Rogers.
3. Invocation – Councilman Russell gave the Invocation.
4. Pledge of Allegiance – All in attendance recited the Pledge of Allegiance.
5. Citizens to be Heard – This is the only time during the Council Meeting that a citizen can address the City Council. It is the opportunity for visitors and guests to address the City Council on any issue to include agenda items. All visitors wishing to speak must fill out the Sign In Roster prior to the start of the meeting. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.

Maggie Titterington from the Chamber gave an update on upcoming events. She also thanked Chief Cox and the Police Department for a wonderful Police Memorial Ceremony. Melvin Hicks stated that Walmart had hosted about 20 visitor from different areas at the Cibolo Walmart to see how they operate as they have out sold all other stores in the region since opening. Mr. Hicks also spoke about freedom and Memorial Day, Veterans Day and supporting all veterans. He also spoke on his dislike of the re-alignment of some of the committees and commissions. Ronda Williams stated she was opening a business in Cibolo and had concerns about Drainage and Transportation Fees. She felt some of the fees should be deferred until after the business opens.

6. Public Hearing

- A. The City of Cibolo City Council will conduct a public hearing to hear public testimony concerning the dis-annexation of 0.828 acres from the City Limits, west of Haeckerville Road and half a mile north of Valley View Drive.

This item was briefed by Rudy Klein. Public Hearing was opened by Mayor Dunn at 6:53pm. No citizens wish to speak and the Public Hearing was closed at 6:54pm.

- B. The City of Cibolo City Council will conduct a public hearing to hear public testimony concerning a request to allow a Conditional Use Permit on a 1.305 acre property zoned Light Industrial (I-1) located northwest of the intersection of FM 1103 and Guadalupe Drive for an Indoor Sports and Recreation use.

Rudy Klein briefed this item to City Council. Mayor Dunn opened the Public Hearing at 6:55. No citizen's spoke on the item and the Public Hearing was closed at 6:56pm.

7. Presentation

- A. Presentation of Proclamation to family of former Councilmember Ron Pedde.

Mayor Dunn presented a Proclamation to Lesley Pedde and Family in honor of former Councilman Ron Pedde

- B. Presentation of 5 year award to Angel Leos, Jr. and Richard McDaniel.

- C. Presentation of 15 year award to Lieutenant Christopher Kotzur.

City Manager Herrera presented 5 year service awards to both Angel Leos and Richard McDaniel for their outstanding service to Cibolo and the Cibolo Police Department.

8. Consent Agenda – Consent Items (General Items)

(All items listed below are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the consent agenda and will be considered as part of the order of business.)

- A. Approval of the minutes of the Regular City Council Meeting held on April 26, 2016.

- B. Approval of the March 2016 Check Register pending final acceptance of the City's financial audit for the 2015/2016 Fiscal Year.

- C. Approval of the March 2016 Revenue and Expense Report pending final acceptance of the City's Financial audit for the 2015/2016 Fiscal Year.

- D. Approval of the Quarterly Investment Report ending March 31, 2016 pending final acceptance of the City's financial audit for the 2015/2016 Fiscal Year.

- E. Approval of the Final Plat of Silver Fin Apartments.

F. Approval of the Replat of Turning Stone Unit C3.

Councilman Doty made the motion to approve the consent agenda. Motion was seconded by Councilman Hogue. For: All; Against: None. Motion carried 6 to 0.

9. Discussion/Action

- A. Discussion/Approval of bids relating to the sale of obligations designated as “City of Cibolo, Texas General Obligation Bonds, Series 2016”, consideration and approval of Financial Advisor’s recommendation concerning this matter; and other matters in connection therewith.

Victor Quiroga from Frost Bank gave a power point presentation. Councilman Doty made the motion to approve the bids relating to the sale of obligations designated as “City of Cibolo, Texas General Obligation Bonds, Series 2016”, consideration and approval of Financial Advisor’s recommendation concerning this matter; and other matters in connection therewith. Motion was seconded by Councilman Garrett. For: All; Against: None. Motion carried 6 to 0.

10. Ordinances

- A. Approval/Disapproval of an ordinance authorizing the issuance of “City of Cibolo, Texas General Obligation Bonds, Series 2016”, levying a continuing direct annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and an official bid form; complying with the provisions of the depository trust company’s letter of representations; authorizing the execution of any necessary engagement agreements with the City’s Financial Advisors and/or bond counsel; and providing for an effective date.

Mr. Clay Binford from Norton Rose Fulbright presented this item to City Council. Councilman Doty made the motion to approve the ordinance authorizing the issuance of “City of Cibolo, Texas General Obligation Bonds, Series 2016”, levying a continuing direct annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and an official bid form; complying with the provisions of the depository trust company’s letter of representations; authorizing the execution of any necessary engagement agreements with the City’s Financial Advisors and/or bond counsel; and providing for an effective date. Motion was seconded by Councilman Garrett. For: Council Members: Gebhardt, Russell, Hogue, Weber, Garrett and Doty; Against: None. Motion carried 6 to 0.

Mayor Dunn called for a five minutes recess at 7:22 pm

City Council reconvened into regular session at 7:27 pm.

- B. Approval/Disapproval of an ordinances of the City of Cibolo to disannex 0.828 acres from the City Limits (west of Haeckerville Road and half a mile north of Valley View Drive), and amending the City of Cibolo City Limits/ETJ Map.

Councilman Doty made the motion to approve the ordinance of the City of Cibolo to disannex 0.828 acres from the City Limits (west of Haeckerville Road and half a mile north of Valley View Drive), and amending the City of Cibolo City Limits/ETJ Map. Motion was seconded by Councilman Weber. For: All; Against: None. Motion carried 6 to 0.

- C. Approval/Disapproval of an ordinance of the City of Cibolo acknowledging the continuation of a Non-Annexation Agreement with the owners of 0.828 acres from the City Limits (west of Haeckerville Road and half a mile north of Valley View Drive).

Councilman Doty made the motion to approve the ordinance of the City of Cibolo acknowledging the continuation of a Non-Annexation Agreement with the owners of 0.828 acres from the City Limits (west of Haeckerville Road and half a mile north of Valley View Drive Motion was seconded by Councilman Hogue. For: All; Against; None. Motion carried 6 to 0.

- D. Approval/Disapproval of an ordinance of the City of Cibolo to allow a Conditional Use Permit on a 1.305 acre property zoned Light Industrial (I-1) located northwest of the intersection of FM 1103 and Guadalupe Drive for an Indoor Sports and Recreation use and amending the City of Cibolo Official Zoning Map.

Councilman Weber made the motion to approve the ordinance of the City of Cibolo to allow a Conditional Use Permit on a 1.305 acre property zoned Light Industrial (I-1) located northwest of the intersection of FM 1103 and Guadalupe Drive for an Indoor Sports and Recreation use and amending the City of Cibolo Official Zoning Map. Motion was seconded by Councilman Doty. For: All; Against: None. Motion carried 6 to 0.

- E. Approval/Disapproval of an ordinance of the City of Cibolo dissolving the Cibolo Street and Drainage Commission.

Councilman Doty made the motion to approve the ordinance of the City of Cibolo dissolving the Cibolo Street and Drainage Commission. Motion was seconded by Councilman Garrett. For: All; Against: None. Motion carried 6 to 0.

- F. Approval/Disapproval of an ordinance amending Ordinance No. 1124 to allow City Council to amend the Planning & Zoning Ordinance to include certain procedural and administrative regulations and to appoint one member from each district to the P&Z Commission.

Councilman Doty made the motion to approve the ordinance amending Ordinance No. 1124 to allow City Council to amend the Planning & Zoning Ordinance to include certain procedural and administrative regulations and to appoint one member from each district to the P&Z Commission. Motion was seconded by Councilwoman Gebhardt. For: All; Against: None. Motion carried 6 to 0.

- G. Approval/Disapproval of ordinance providing for the second amendment of the Budget for the Fiscal Year 2015-2016.

Councilman Weber made the motion to approve the ordinance providing for the second amendment of the Budget for the Fiscal Year 2015-2016. Motion was seconded by Councilwoman Gebhardt. For: All; Against: None. Motion carried 6 to 0.

11. Staff Updates/Discussion

- A. Fire Department
- B. Planning & Engineering Department
- C. Court Department
- D. Police Department
- E. Drainage Department
- F. Parks Department
- G. Street Department
- H. Administration

Chief Cox thanked everyone for the help with the Police Memorial Ceremony. Police Officer Shima briefed everyone on the Jr. Police Academy starting in June. Officer Shima also talked about Operation ID that will take place in the Cibolo City Hall Parking Lot on June 14 and June 18.

12. Discussion/Action Items

- A. Discussion/Action regarding the Preliminary Acceptance of Infrastructure for Foxbrook Subdivision Unit 1.

Councilman Doty made the motion to approve the Preliminary Acceptance of Infrastructure for Foxbrook Subdivision Unit 1. Improvements include Public Street: 3,116 Linear Feet with a valuation of \$621,805.52; Sanitary Sewer: 6,064 Linear Feet with a valuation of \$271,234.45; Water (GVSUD): 3,914 Linear Feet with a valuation of \$214,767.06; Drainage (Drain "A" & Detention Pond "A": Valuation of \$45,873.42. Total Valuation of accepted Public Improvements dedicated to the City of Cibolo: \$938,913.39. Total Valuation of Public Improvements (GVSUD): \$214,767.06. Motion was seconded by Councilman Russell. For: All; Against: None. Motion carried 6 to 0.

- B. Discussion/Action regarding the Preliminary Acceptance of Infrastructure for Landmark Pointe Subdivision Unit 3.

Councilman Doty made the motion to approve the Preliminary Acceptance of Infrastructure for Landmark Pointe Subdivision Unit 3 to include the following Public Improvements: Public Street: 1,802 Linear Feet with a valuation of \$357,154.25; Sanitary Sewer: 2,197 Linear Feet with a valuation of \$184,234.50; Drainage: 196 Linear Feet with a valuation of \$48,655.50. Motion was seconded by Councilman Weber. For: All; Against: None. Motion carried 6 to 0.

- C. Discussion/Action and direction to staff to initiate voluntary annexation proceedings for certain real properties with expiring Non-Annexation Agreements.

Council gave direction to staff to start to initiate voluntary annexation proceedings for certain real properties with expiring Non-Annexation Agreements.

- D. Discussion/Action and authorization for the City Manager or his designee to execute a contract in the amount of Four Hundred Seventy Five Thousand, One Hundred Eighty Seven Dollars and Seventy Five Cents (\$475,187.75) to construct water and wastewater utilities for the Borgfeld Road Reconstruction Project with M&C Fonseca Construction Company, Inc., Granite Shoals, Texas.

Councilman Doty made the motion to and authorization for the City Manager or his designee to execute a contract in the amount of Four Hundred Seventy Five Thousand, One Hundred Eighty Seven Dollars and Seventy Five Cents (\$475,187.75) to construct water and wastewater utilities for the Borgfeld Road Reconstruction Project with M&C Fonseca Construction Company, Inc., Granite Shoals, Texas. Motion was seconded by Councilman Hogue. For: All; Against: None. Motion carried 6 to 0.

- E. Discussion on the funding and timeframe of the Community Garden approved by Council at the meeting of April 26, 2016.

This item was not discussed and will be brought back at a later back for an update.

- F. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments Commission, Capital Improvement Program (CIP), Charter Review Committee and Cibolo Economic Development Corporation, and all other Committees, Commissions and Boards.

Council interview several candidates for the Economic Development Corporation.

13. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Section 551.074 Personnel Matters and Section 551.071 Consultation with Attorney to discuss:

- A. Appointment of Directors to the Economic Development Corporation.
- B. Discuss legal issue associated with the Green Valley Road drainage and improvement project and payment demand by Yantis Company.

Council convened into Executive Session at 8:52 pm.

14. Open Session

Reconvened into Regular Session and take/or give direction, if necessary, on items discussed in Executive Session.

Council reconvened into Regular Session at 9:45 pm. 13A: Councilman Hogue stated that council makes the following appointments to Economic Development Corporation (EDC): Paul Buell representing District 1, J. Moody representing District 4, Dick Hetzel representing District 6 and Robin Williams representing District 7. District 3 had no applications, District 4 both applicants were not present for the interview, and District 2 representative still has one year left on his term. Motion was seconded by Councilman Weber. For: All; Against: None. Motion carried 7 to 0.

13B: Councilman Garrett made the motion to approve the Settle Agreement associated with the Green Valley Road drainage and improvement project. Motion was seconded by Councilwoman Gebhardt. For: All; Against: None. Motion carried 6 to 0.

15. Discussion/Action

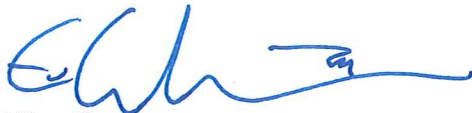
- A. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

City Secretary Cimics reminded Council on the Workshop scheduled for June 25th at 6:30 pm. No other changes made at this time.

16. Adjournment

Councilman Hogue made the motion to adjourn the meeting at 9:47 pm. Motion was seconded by Councilman Weber. For: All; Against: None. Motion carried 6 to 0.

PASSED AND APPROVED THIS 14TH DAY OF JUNE 2016.



Allen Dunn
Mayor

ATTEST:



Peggy Cimics, TRMC
City Secretary

